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Before the
Federal Communications Commission
Washington, DC 20554

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In the Matter of

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

1998 Biennial Regulatory Review --
Amendment of Parts 2, 25 and 68 of the
Commission's Rules to Further Streamline
the Equipment Authorization Process for
Radio Frequency Equipment, Modify the
Equipment Authorization Process for
Telephone Terminal Equipment, Implement
Mutual Recognition Agreements and Begin
Implementation of the Global Mobile Personal
Communications by Satellite (GMPCS)
Arrangements

GEN Docket No. 98-68

To: The Commission

REPLY COMMENTS OF KENWOOD COMMUNICATIONS CORPORATION

Christopher D. Imlay
BOOTH FRERET IMLAY & TEPPER, P.C.
5101 Wisconsin Avenue, NW
Suite 307
Washington, DC 20016-4120
Ph: (202) 686-9600
Fax: (202) 686-7797

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To: The Commission

REPLY COMMENTS OF KENWOOD COMMUNICATIONS CORPORATION

Kenwood Communications Corporation (Kenwood), by counsel, hereby respectfully submits its Reply Comments in response to the *Notice of Proposed Rulemaking*¹ ("the Notice"), FCC 98-92, issued in the above-captioned proceeding, and to various comments filed in response thereto, including the Comments filed by Motorola, Inc. Kenwood commends the Commission for this effort to streamline equipment approval procedures, in order to increase the speed that manufacturers of electronic products can deliver new products to consumers, and reduce barriers to international trade. In the interests of major manufacturers of electronic products and the consumers of those products, Kenwood states as follows:

¹ A summary of the NPRM was published in the Federal Register on June 10, 1998, 63 Fed. Reg. 31,685. The NPRM, FCC 98-92, was released May 18, 1998.

I. INTEREST AND SUMMARY

1. Kenwood is a major manufacturer of various types of consumer electronics, test equipment and communication equipment, including mobile and portable radio transceivers. Kenwood products are distributed in more than 120 countries throughout the world and enjoy a reputation for reliability and technological innovation. Accordingly, Kenwood has a significant interest in the outcome of this proceeding insofar as its products, incorporating the latest in innovation, must be delivered to consumers at the earliest possible time, and at the lowest possible cost.

2. In summary, Kenwood urges the Commission to allow manufacturers who qualify as Telecommunication Certification Bodies (TCBs), to certify all RF devices, including mobile and portable radio transmitters, receivers and transceivers, as an alternative to Commission certification. Kenwood also suggests that the Commission enact the specific policies enunciated at Paragraphs 12 and 17 of the Notice, governing criteria and guidelines for TCB qualifications and performance.

II. DISCUSSION

3. In the Notice, the Commission proposes to allow private organizations, referred to as TCBs, to certify equipment as an alternative to Commission certification. Kenwood applauds this effort to speed up the equipment certification process and suggests that the Commission clarify that (1) TCBs will be permitted to certify all RF devices, including mobile and portable transmitters,

receivers and transceivers, and that (2) otherwise qualified TCBs will be allowed to certify their own equipment without running afoul of the Commission's requirement of TCB impartiality. Allowing TCBs to certify their own products will result in a time and cost savings, which can be passed on to consumers.

TCBs should be permitted to certify all RF devices.

4. In the context of manufacturer self-approval, the Commission expressed concern that certain products, including mobile radio transmitters, unlicensed radio transmitters and scanning receivers "required closer oversight due to such factors as a high risk of noncompliance, the potential to create significant interference to safety and other communications services, and the need to ensure compliance with requirements to protect against radio frequency exposure."² Kenwood appreciates that concern, but would suggest that it does not apply to TCB certification of that entity's own products. The Notice is not clear as to whether a TCB would be able to certify its own devices, or only those manufactured by others. At paragraph 12 of the Notice, the Commission cites the ISO/IEC Guide 65 for product certifiers, which includes a requirement that such certifiers "be impartial". Kenwood suggests that the Commission clarify that this concern would not preclude otherwise qualified TCBs, who are also manufacturers, from certifying such equipment as mobile radio transmitters that they manufacture. In light of the many checks and balances in the proposed TCB guidelines to insure regulatory compliance by TCBs, including internal audits and documentation of the system, TCBs' ability to certify all equipment should not be limited to that

manufactured by others. The Notice tentatively concluded that the ISO/IEC Guide 65 provides appropriate qualification criteria for TCBs.³ Kenwood agrees. Furthermore, the Notice includes proposed guidelines for the certification of products by TCBs.⁴ These guidelines will more than adequately address the Commission's concerns about non-compliance and interference. Having already recognized the great benefit of private certification, the Commission must not now shy away from this critical step. Accordingly, Kenwood seeks to clarify that the new rules intend to allow private certification of all equipment, without exception.

Otherwise qualified TCBs should be allowed to certify their own equipment.

5. The Notice provides that TCBs must "be impartial."⁵ However, the requirement of impartiality should not be narrowly construed to preclude a TCB from certifying its own products provided objective criteria are observed and/ or an independent TCB certification division is established. Allowing TCBs to conduct certification of their own equipment will significantly reduce cost of products and the speed of marketing the devices to consumers. Presently, Kenwood's products are subjected to three layers of compliance review. Currently, Kenwood conducts a thorough compliance analysis at its own accredited test laboratory. However, after this analysis is completed, Kenwood must then have all of the same tests -- at significant expense and delay -- performed for Commission type acceptance or certification purposes at a professional test

² NPRM, ¶11.

³ NPRM, ¶12.

⁴ NPRM, ¶17.

⁵ NPRM, ¶12.

laboratory specializing in FCC compliance testing and equipment authorization applications. Once the test laboratory submits the application containing its duplicated test results to the Commission, the Commission's Office of Engineering and Technology does its own analysis of those test results. It can take as long as 60 to 90 days to obtain Commission approval once the application is filed. In today's market, where products have an increasingly short life span, sometimes two years or less, such a long delay places an enormous burden on manufacturers and results in higher costs to consumers. As Motorola noted in its Comments, "Today, the life of a product is often 400 days instead of two to five years."⁶ This delay is unnecessary. With adequate record-keeping and standardized testing mechanisms, there is no reason why TCB self-certification cannot insure compliance with Commission technical specifications, for all products.

III. CONCLUSION

6. Kenwood applauds the Commission for taking this important next step toward improving the equipment authorization process. Kenwood also agrees with Motorola's urging that the Commission "move forward with the goal of reducing the burdens associated with delays in the approval of equipment."⁷ The use of TCBs can be effective at speeding up products' time to market. But to be most effective, TCBs must be permitted to certify their own equipment, thereby avoiding repetitive, expensive testing procedures. There should be no limitation as to the types of equipment

⁶Motorola's Comments, page 3.

⁷Motorola's Comments, page 17.

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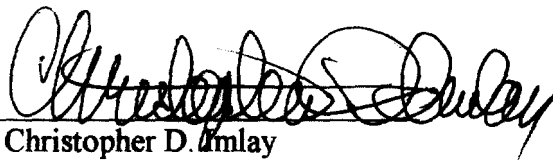
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that a TCB may certify. All appropriate safeguards will be in place, and the penalty for non-compliance can be removal of the TCB's accreditation. The proposed TCB guidelines will insure regulatory compliance with its many checks and balances. These safeguards should not be construed to prevent that which the Commission is trying to accomplish, which is getting products to the market faster and at a lower cost to consumers.

Therefore, the foregoing considered, Kenwood Communications Corporation respectfully requests that the Commission proceed with the Notice proposal as stated, subject to the clarifications suggested herein.

Respectfully submitted,

KENWOOD COMMUNICATIONS, INC.

By: 
Christopher D. Imlay
Its Attorney

BOOTH FRERET IMLAY & TEPPER, P.C.

5101 Wisconsin Avenue, NW

Suite 307

Washington, DC 20016-4120

(202) 686-9600

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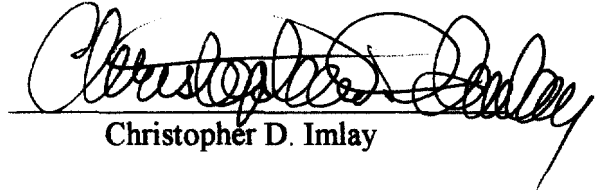
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CERTIFICATE OF SERVICE

I, Christopher D. Imlay, do hereby certify under penalty of perjury that I caused to be served, by United States Mail, postage prepaid, this 26th day of August, 1998, copies of the foregoing Reply Comments of Kenwood Communications Corporation on the following:

Leigh Chinitz
Barry Lambergman
1350 Eye Street, N.W.
Washington, D.C. 20005



Christopher D. Imlay